

Remarks/Arguments:

This is a reply to the final rejection dated September 5.

Claim 9 has been amended to recite the limitations of claim 13, now canceled. The feature that the moisture content of the substance does not exceed 2% has been deleted from claim 9. No new issue is presented.

Claim 9 as amended is deemed to be non-obvious over the prior art for the following reasons.

Holland discloses a material “for absorbing gaseous unsaturated compounds comprising an electron-deficient diene or triene incorporated in an ethylene-permeable substrate” (col. 1, lines 38 -40) with the ethylene-permeable substrate being hydrophobic, i.e., impermeable to water. This substrate may thus be construed to have open pores, because it is permeable to ethylene. However, Holland fails to disclose a material “comprising two plies defining between them a cavity, and a substance capable of retaining gases in its environment, disposed in the cavity, the two plies are made of a material permeable to gaseous ethylene and impermeable to water vapor, with the material of at least one of the plies having open pores with electrical polarity” (independent claim 9).

The Holland reference does not disclose two plies, much less a ply having open pores with electrical polarity.

The electrical polarity of the open pores of at least one of the plies has the surprising effect of “promoting the gas aspiration chimney effect” (para. [0012] of this application as published). Furthermore, this polarization may have the effect of “ascepticizing the atmosphere within the cavity” (para. [0012]).

None of the references of record, alone or in combination with any other reference, anticipates or fairly suggests the beneficial effect of the polarization of the open pores of at least one of the plies.

This feature has already been searched and examined, but, contrary to the view of the examiner expressed in the office action of January 30, 2008 (see page 4, first paragraph), the material disclosed by Holland has no open pores with electrical polarity.

Holland only states that active agents such as tetrazines are incorporated into a substrate. Tetrazines have, according to Holland, “electron withdrawing substituents” (col. 1, lines 62-63). Thus, the tetrazines themselves are polarized, but in sum are electrically neutral (see the figure below). To achieve polarized open pores it would be necessary to specifically align such tetrazines in the substrate. However, there is no disclosure in Holland that it would be beneficial to align the tetrazines in the material to obtain polarized open pores. Thus, the tetrazines are stochastically distributed in the material according to Holland, and as a consequence, any polarization of open pores is prevented.

We believe the claims now presented distinguish the invention from the prior art, and that this application is now in condition for allowance.

Respectfully submitted,

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